IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6509 of 1994

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MANAV KALYAN SEVA MANDAL

Versus

STATE OF GUJARAT AND ANR

Appearance:

1. Special Civil Application No. 6509 of 1994

MR KM SHETH for the Petitioner

MR SIRAJ GORI, AGP for Respondents Nos. 1 & 3

MR DEEPAK R.DAVE for MR AD OZA for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 16/01/2003

ORAL JUDGEMENT

The petitioner before this Court is an

educational trust. The petitioner - Trust challenges the order dated 17th September, 1992 made by the State Government in an appeal preferred by the petitioner - Trust.

It appears that the petitioner - Trust had applied for registration of a secondary school for Standard-VIII class at village Kolundra. The said application appears to have been rejected by the Secondary Education Board on 29th July, 1991. Feeling aggrieved, the petitioner - Trust preferred appeal before the State Government, which has been rejected under the impugned order dated 17th September, 1992. Hence, the present petition.

The appeal appears to have been rejected on the grounds that the petitioner - Trust did not have proper infrastructure or financial viability to run the school. Besides, starting of Standard-VIII class may result into unhealthy competition with other schools in the area.

Mr.Sheth has submitted that the grounds on which the registration has been refused are not germane. The petitioner - Trust is financially viable and does have proper infrastructure for starting Standard-VIII class.

Be that as it may, obviously the petitioner Trust had applied for registration of Standard-VIII class for the academic year 1991-92. In view of passage of time, the said application can not be granted or reconsidered. Hence, no order is required to be made on this petition. If at all the petitioner - Trust is still interested in opening a secondary school, it may make a fresh application to the Secondary Education Board.

In above view of the matter, the petition is dismissed. Rule is discharged.

(Ms. R.M. Doshit, J.)

/sakkaf